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Security Council

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Draft resolution

The Security Council,

Recalling its previous resolutions as well as the statements of its President on Burundi, in particular its resolution 1375 (2001) of 29 October 2001 and the statements of its President on 18 December 2002 (S/PRST/2002/40) and 23 December 2003 (S/PRST/2003/30),

Reaffirming its strong commitment to the respect of the sovereignty, independence, territorial integrity and unity of Burundi, and *recalling* the importance of the principles of good-neighbourliness and non-interference, and of regional cooperation,

Reaffirming also its full support for the process of the Arusha Peace and Reconciliation Agreement for Burundi, signed at Arusha on 28 August 2000 (hereafter "the Arusha Agreement"), *calling on* all the Burundian parties to fully honour their commitments, and *assuring* them of its determination to support their efforts to that end,

Encouraging in particular the transitional institutions of Burundi to enact without delay the laws and regulations required for the organization of the electoral process under the Arusha Agreement, so that this process can take place before the expiration of the transitional period on 31 October 2004,

Taking note with satisfaction of the ceasefire agreements signed on 7 October 2002 by the transitional Government with Mr. Jean-Bosco Ndayikengurukiye's Forces pour la défense de la démocratie (CNDD-FDD) and Mr. Alain Mugabarabona's Forces nationales de libération (Palipehutu-FNL) as well as the comprehensive ceasefire agreement signed on 16 November 2003 in Dar-es-Salaam between the transitional Government and Mr. Pierre Nkurunziza's CNDD-FDD,

Reiterating its concern at the continuing hostilities in certain parts of the country, *underlining* that there cannot be a military solution to Burundi's problems, *urging* all the parties to observe an immediate ceasefire, and *stressing* the importance attached to Mr. Agathon Rwasa's Palipehutu-FNL, the last armed movement that has still not done so, in participating in the peace process of the Arusha Agreement,

Taking note in this regard of the talks which were started between the President of the Republic of Burundi, Mr. Domitien Ndayizeyé, and this armed movement at the meeting of 18 to 21 January 2004, at Oisterwijk in the Netherlands,

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as well as the congress held in Kigoma, Tanzania, from 18 to 21 April 2004, by Mr. Rwasa's Palipehutu-FNL, and *urging* the latter to conclude an agreement with the transitional Government without delay with a view to a complete cessation of hostilities and its participation in the transitional institutions,

Condemning all acts of violence, as well as human rights and international humanitarian law violations, and *particularly concerned* by the increasing incidents of rapes, including mass rapes,

Reaffirming its determination to support the efforts of Burundians to bring the perpetrators of such acts and violations to justice on the basis of the rule of law, in order to put an end to situations of impunity, and *calling upon* the parties and transitional authorities to take without delay all necessary measures to that end,

Expressing its concern at the tragic humanitarian situation of a large majority of the Burundian population, *recalling* that all the parties are responsible for the security of the civilian populations, and *recalling in particular* in this regard its resolutions 1325 (2000) on women, peace and security, 1379 (2001), 1460 (2003) and 1539 (2004) on children in armed conflict, and 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflict,

Taking note of the progress achieved in preparing the disarmament, demobilization and reintegration programme for the combatants, *calling on* the parties to firmly commit themselves to that programme without delay, and *encouraging* the international financial institutions and donors to support the programme,

Expressing its concern at the deteriorating economic situation in Burundi in the context of the conflict, and *recognizing* that any improvement in security should be matched by tangible economic and social benefits for the population,

Considering that the voluntary and sustainable return of refugees and internally displaced persons will be a critical factor for the consolidation of the peace process, and will require a just solution of the issue of land ownership,

Welcoming the conclusions of the Forum of Development Partners for Burundi, which was held in Brussels on 13 and 14 January 2004, and *calling on* donors to honour their pledges,

Paying tribute to the efforts made by the African Union as well as by the States who are members of the Regional Initiative, especially Uganda and the United Republic of Tanzania, and the Facilitation, in particular South Africa, to bring peace to Burundi, and *encouraging* the African Union to maintain a strong presence in Burundi to accompany the efforts of the Burundian parties, as specified in the Arusha Agreement and subsequent agreements,

Welcoming the efforts of the African Mission in Burundi (AMIB) and the contingents from South Africa, Ethiopia and Mozambique which make it up, as well as the Member States which have assisted AMIB in its deployment,

Encouraging the efforts being undertaken to train a joint Burundian protection unit to ensure continuing security of the leaders of the transitional institutions, and *underlining* the need for this unit to be operational as soon as possible,

Taking note of the statements made before the Council by the President of the Republic of Burundi on 22 September 2003, and by the Deputy President of the

Republic of South Africa, Mr. Jacob Zuma, on 4 December 2003, in favour of transforming AMIB into a United Nations peacekeeping operation, and *taking note also* in that regard of the letter dated 15 March 2004 addressed by Mr. Thérence Sinunguruza, Minister of External Relations and Cooperation of Burundi, to the President of the Security Council (S/2004/208), as well as the letter dated 17 March 2004 addressed by the Chairperson of the Commission of the African Union, Mr. Alpha Omar Konaré, to the Secretary-General,

Aware of the difficulty of sustaining stability in Burundi unless peace is restored beyond its borders, in particular in the Democratic Republic of the Congo, and *underlining* how important it is for all the States concerned, especially those of the region, to cooperate towards that end, and for the United Nations to coordinate its efforts in the two countries,

Having considered the report of the Secretary-General on Burundi dated 16 March 2004 (S/2004/210),

Welcoming with satisfaction and encouraging the efforts of the United Nations Organization to enhance the awareness of peacekeeping personnel on the need to prevent and combat HIV/AIDS and other communicable diseases,

Noting that obstacles remain to Burundi's stability, and *determining* that the situation in this country continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the recommendations contained in the report of the Secretary-General on Burundi dated 16 March 2004;

2. *Decides* to authorize, for an initial period of six months as from 1 June 2004, with the intention to renew it for further periods, the deployment of a peacekeeping operation in Burundi entitled United Nations Operation in Burundi (the acronym ONUB being used in all languages), pursuant to the mandate specified in paragraphs 5 to 7 hereafter, in order to support and help to implement the efforts undertaken by Burundians to restore lasting peace and bring about national reconciliation, as provided under the Arusha Agreement;

3. *Decides* that ONUB will be headed by the Special Representative of the Secretary-General, who chairs the Implementation Monitoring Committee for the Arusha Agreement, and will initially be composed of existing AMIB forces, and *requests therefore* the Secretary-General, acting in liaison with the African Union, to ensure the transfer of authority over AMIB, within ONUB's framework, to his Special Representative for Burundi;

4. *Decides further* that ONUB shall consist of a maximum of 5,650 military personnel, including 200 observers and 125 staff officers, up to 120 civilian police personnel, as well as the appropriate civilian personnel;

5. *Authorizes* ONUB to use all necessary means to carry out the following mandate, within its capacity and in the areas where its armed units are deployed, and in coordination with humanitarian and development communities:

– to ensure the respect of ceasefire agreements, through monitoring their implementation and investigating their violations,

– to promote the re-establishment of confidence between the Burundian forces present, monitor and provide security at their pre-disarmament assembly sites, collect and secure weapons and military materiel to dispose of it as appropriate, and contribute to the dismantling of militias as called for in the ceasefire agreements,

– to carry out the disarmament and demobilization portions of the national programme of disarmament, demobilization and reintegration of combatants,

– to monitor the quartering of the Armed Forces of Burundi and their heavy weapons, as well as the disarmament and demobilization of the elements that need to be disarmed and demobilized,

– to monitor, to the extent possible, the illegal flow of arms across the national borders, including Lake Tanganyika, in cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and, as appropriate, with the group of experts referred to in paragraph 10 of resolution 1533,

– to contribute to the creation of the necessary security conditions for the provision of humanitarian assistance, and facilitate the voluntary return of refugees and internally displaced persons,

– to contribute to the successful completion of the electoral process stipulated in the Arusha Agreement, by ensuring a secure environment for free, transparent and peaceful elections to take place,

– without prejudice to the responsibility of the transitional Government of Burundi, to protect civilians under imminent threat of physical violence,

– to ensure the protection of United Nations personnel, facilities, installations and equipment, as well as the security and freedom of movement of ONUB's personnel, and to coordinate and conduct, as appropriate, mine action activities in support of its mandate;

6. *Decides* that ONUB shall provide advice and assistance, within its capacity and subject to carrying out tasks stipulated in paragraph 5 above, to the transitional Government and authorities to contribute to their efforts:

– to monitor Burundi's borders, with special attention to refugees, as well as to movements of combatants, especially in the Cibitoké province,

– to carry out institutional reforms as well as the constitution of the integrated national defence and internal security forces and, in particular, the training and monitoring of the police, while ensuring that they are democratic and fully respect human rights and fundamental freedoms,

– to proceed with electoral activities,

– to complete implementation of the reform of the judiciary and correction system, in accordance with the Arusha Agreement,

– to ensure, in close liaison with the Office of the High Commissioner for Human Rights, the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, and investigate human rights violations to put an end to impunity;

7. *Decides further* that ONUB shall cooperate with the Government and authorities of Burundi, as well as their international partners, to ensure the coherence of their work, in assistance to the Government and authorities of Burundi in:

- extending State authority and utilities throughout the territory, including civilian police and judicial institutions,

- carrying out the national programme of disarmament, demobilization and reintegration of combatants and members of their families, including those coming from the territory of the Democratic Republic of the Congo, in liaison with the Government of this country and MONUC, and with particular attention to the specific needs of women and children;

8. *Requests* the Secretary-General, through his Special Representative for Burundi, to conduct all the activities of the United Nations system in Burundi and to facilitate the coordination with other national, regional and international actors, in particular the African Union, of activities in support of the transition process, while ensuring that ONUB's personnel give special attention to issues related to gender equality, as well as to the specific needs of children;

9. *Requests further* the Secretary-General to conclude agreements with States neighbouring Burundi to enable ONUB forces to cross their respective borders in pursuit of armed combatants, as may be necessary while carrying out their mandate;

10. *Requests* the transitional Government of Burundi to conclude a status-of-forces agreement for ONUB with the Secretary-General within thirty days of the adoption of this resolution, taking into consideration General Assembly resolution 58/82 on the scope of legal protections under the Convention on the Safety of United Nations and Associated Personnel, and *notes* that, pending the conclusion of such an agreement, the model status-of-forces agreement for peacekeeping operations of 9 October 1990 (A/45/594) shall apply provisionally;

11. *Requests* all parties to cooperate fully with the deployment and operations of ONUB, in particular by ensuring the safety and freedom of movement of United Nations and associated personnel, as well as the personnel of humanitarian, development and aid organizations, throughout the territory of Burundi;

12. *Recalling* its resolution 1502 of 26 August 2003, reaffirms the obligation of all parties to comply fully with the rules and principles of international humanitarian law applicable to them related to the protection of humanitarian and United Nations personnel, and also urges all those concerned to allow full unimpeded access by humanitarian personnel to all people in need of assistance as set forth in applicable international humanitarian law;

13. *Requests* all parties and concerned States to facilitate the voluntary, safe and sustainable return of refugees and internally displaced persons, and to cooperate fully to this end with ONUB and the relevant international organizations;

14. *Underlines* the need for ONUB to have at its disposal an effective public information capacity, including through local and national radio, television and newspaper channels, to promote understanding of the peace process and the role of ONUB among local communities and the parties;

15. *Stresses* the importance of the full and unconditional implementation of the Arusha Agreement, and *demands* that all parties fulfil their obligations under this agreement, in order to allow the electoral process, in particular the legislative elections, to take place before 31 October 2004;

16. *Reaffirms* the need for all parties to complete in a timely manner the execution of the programme for regrouping and cantonment of combatants, and to begin implementing as soon as possible the programme to dismantle all armed groups, including the militias, and the disarmament, demobilization and reintegration programme, giving particular attention to the specific need of women and children, and to proceed as well in parallel with the restructuring of the armed forces and the internal security forces;

17. *Reaffirms also* the continued need to promote peace and national reconciliation and to foster accountability and respect for human rights in Burundi, and urges the Government of Burundi, specialized agencies, other multilateral organizations, civil society and Member States to accelerate their efforts to establish the Truth and Reconciliation Commission, as provided for in the Arusha Agreement;

18. *Expresses its deep concern* over the illicit flow of arms provided to armed groups and movements, in particular those which are not parties to the peace process under the Arusha Agreement, *calls upon* all States to halt such flow without prejudice to the Burundian national army and police forces whose integration is in progress, and *expresses* its intention to consider this issue further as soon as possible after the deployment of ONUB;

19. *Urges* the international financial institutions and the donor community to continue to contribute to the economic development of Burundi, in particular for the long term, including through the realization of pledges already made, to enable that country to achieve sustainable stability, and in order also to contribute to the wider stability of the region;

20. *Requests* the Secretary-General to ensure that his Special Representatives for Burundi and for the Democratic Republic of the Congo coordinate the activities of ONUB and MONUC, share military information at their disposal, in particular concerning cross-border movements of armed elements and arms trafficking, and pool their logistic and administrative resources, to an extent that does not affect the ability to carry out their respective mandates, in order to maximize efficiency and cost-effectiveness;

21. *Decides* that ONUB shall carry out its mandate in close cooperation with MONUC, in particular concerning monitoring and prevention of movements of combatants across the border between Burundi and the Democratic Republic of the Congo, as well as the implementation of the disarmament and demobilization programmes;

22. *Requests* the Secretary-General to keep it informed on a regular basis of developments in the situation in Burundi, the implementation of the Arusha Agreement and the execution of ONUB's mandate and to submit a report on these developments every three months, including an evaluation of the strength of the military component, with a view to its adjusted reduction, taking account of the progress made on the ground and the tasks remaining to be accomplished;

23. *Decides* to remain actively seized of the matter.